

# **Optical Scan Voting System Bill**

## **Senate File 2347**

Last Action:

**Senate Floor**

March 11, 2008

**An Act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, providing for continuing education for certain election personnel, and providing an effective date.**

**Fiscal Services Division**  
**Legislative Services Agency**

### **NOTES ON BILLS AND AMENDMENTS (NOBA)**

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

LSA Contact: David Reynolds (1-6934)

**EXECUTIVE SUMMARY  
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2347  
OPTICAL SCAN VOTING SYSTEM BILL**

**FUND CREATED**

- Creates the Optical Scan Voting System Fund for the purchase and distribution of voting systems to counties. (Page 1, Line 1)

**CONTINUING EDUCATION**

- Requires the Secretary of State to provide continuing education to local election personnel. (Page 1, Line 12)

**COUNTY REQUIREMENT**

- Requires counties to purchase optical scan voting systems for elections held on or after November 4, 2008, and requires counties to comply with the federal Help America Vote Act (HAVA) requirements for disabled voters. (Page 1, Line 34)

**RIIF APPROPRIATION**

- Provides an FY 2008 supplemental appropriation of \$4.9 million from the Rebuild Iowa Infrastructure Fund (RIIF) to the Optical Scan Voting System Fund. (Page 2, Line 11)

**TRANSFER OF FUNDS**

- Transfers all funds from the Voting Machine Reimbursement Fund to the Optical Scan Voting System Fund. (Page 2, Line 28)

**REQUIRED REPORT**

- Requires the Secretary of State to submit a report to the Administration and Regulation Appropriations Subcommittee by December 31, 2008, regarding expenditures and purchase of equipment from the Optical Scan Voting System Fund. (Page 3, Line 1)

**DEAPPROPRIATION**

- Deappropriates a total of \$4.6 million from FY 2008 RIIF appropriations, including \$3.6 million for the purchase of a new State office building and \$1.0 million for a feasibility study for improvements to the Workforce Development Building. (Page 3, Line 7 and Page 4, Line 1)

**REPEAL**

- Repeals the Voting Machine Reimbursement Fund. (Page 4, Line 10)

**RULE MAKING**

- Permits the Secretary of State to adopt emergency rules relating to the provisions of this Bill. (Page 4, Line 11)

**EFFECTIVE DATE**

- Specifies that this Bill takes effect on enactment. (Page 4, Line 20)

Senate File 2347

Senate File 2347 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	1	1	Adds	Sec. 47.10	Optical Scan Voting System Fund
1	12	2	Amends	Sec. 49.124(1 & 2)	Continuing Education Requirement
1	34	3	Amends	52.2(2), 2007 Code Supplement	Optical Scan Voting System Requirement
2	9	4	Repeals	Sec. 52.7(1)(I), 2007 Code Supplement	Voting Machine Construction Requirements
2	11	5	Nwthstnd	Sec. 8.57(6)(c)	Notwithstanding the Definition of Vertical Infrastructure
2	28	5.2	Nwthstnd	Sec. 47.9 and 8.33	Voting Machine Reimbursement Fund Transfer and Nonreversion of Funds
3	7	6	Amends	Sec. 5, Chapter 1179, 2006 Iowa Acts, as amended	Deappropriation of New Office Building Funds
4	1	7	Amends	Sec. 1.1(n), Chapter 219, 2007 Iowa Acts	Deappropriation of Workforce Development Building Funds
4	10	8	Repeals	Sec. 47.9, 2007 Code Supplement	Repeal of the Voting Machine Reimbursement Fund

1 1 Section 1. NEW SECTION . 47.10 OPTICAL SCAN VOTING SYSTEM  
1 2 FUND.

1 3 An optical scan voting system fund is established in the  
1 4 office of the treasurer of state under the control of the  
1 5 secretary of state. Moneys in the fund are appropriated to  
1 6 the office of the secretary of state for purchase and  
1 7 distribution of optical scan voting system equipment to  
1 8 counties to assist county compliance with section 52.2,  
1 9 subsection 2. The secretary of state, in consultation with  
1 10 the department of administrative services, shall establish a  
1 11 procedure for purchasing and distributing the equipment.

CODE: Creates the Optical Scan Voting System Fund for the purchase and distribution of voting systems to counties. Requires the Secretary of State to establish purchasing and distribution procedures for the voting systems in consultation with the Department of Administrative Services.

DETAIL: The total cost for replacing the voting systems and equipment in Iowa counties is estimated at \$8,654,765. This Bill provides a total of \$6,900,880 for deposit in the Optical Scan Voting System Fund, including an appropriation of \$4,900,880 from the Rebuild Iowa Infrastructure Fund (RIIF) and \$2,000,000 that will be transferred from the Voting Machine Reimbursement Fund. In addition, the Secretary of State will also use \$1,753,885 in available federal Help America Vote Act (HAVA) funds.

Eighty-three counties would be responsible for costs associated with licensing, testing, installation, peripheral equipment, and back up units. The cost to the 83 counties is estimated at \$1,870,000, an average of \$22,500 per county.

1 12 Sec. 2. Section 49.124, Code 2007, is amended to read as  
1 13 follows:

1 14 49.124 TRAINING COURSE BY COMMISSIONER == CONTINUING  
1 15 EDUCATION PROGRAM .

1 16 1. The commissioner shall conduct, not later than the day  
1 17 before each primary and general election, a training course  
1 18 for all election personnel, and the commissioner may do so  
1 19 before any other election the commissioner administers. The  
1 20 personnel shall include all precinct election officials and  
1 21 any other persons who will be employed in or around the  
1 22 polling places on election day. At least two precinct  
1 23 election officials who will serve on each precinct election  
1 24 board at the forthcoming election shall attend the training  
1 25 course. If the entire board does not attend, those members  
1 26 who do attend shall so far as possible be persons who have not  
1 27 previously attended a similar training course.

1 28 2. A continuing education program shall be provided to  
1 29 election personnel who are full-time or part-time permanent

CODE: Requires the Secretary of State to provide a continuing education program to local election personnel and to adopt rules relating to the program.

1 30 employees of the commissioner's office. The state  
 1 31 commissioner of elections shall adopt rules pursuant to  
 1 32 chapter 17A to implement and administer the continuing  
 1 33 education program.

1 34 Sec. 3. Section 52.2, subsection 2, Code Supplement 2007,  
 1 35 is amended by striking the subsection and inserting in lieu  
 2 1 thereof the following:  
 2 2 2. Notwithstanding any provision to the contrary, for  
 2 3 elections held on or after November 4, 2008, a county shall  
 2 4 use an optical scan voting system only. The requirements of  
 2 5 the federal Help America Vote Act relating to disabled voters  
 2 6 shall be met by a county through the use of electronic ballot  
 2 7 marking devices that are compatible with an optical scan  
 2 8 voting system.

CODE: Requires counties to purchase optical scan voting systems for all elections held on or after November 4, 2008. Requires counties to comply with federal HAVA requirements for disabled voters.

2 9 Sec. 4. Section 52.7, subsection 1, paragraph I, Code  
 2 10 Supplement 2007, is amended by striking the paragraph.

CODE: Repeals a provision related to the use of voting machines that do not require a paper trail.

2 11 Sec. 5. OPTICAL SCAN VOTING SYSTEM FUND == APPROPRIATION.  
 2 12 There is appropriated from the rebuild Iowa infrastructure  
 2 13 fund to the office of the secretary of state for the fiscal  
 2 14 year beginning July 1, 2007, and ending June 30, 2008, the  
 2 15 following amount, or so much thereof as is necessary, to be  
 2 16 used for the purpose designated:  
 2 17 For deposit into the optical scan voting system fund, as  
 2 18 established in section 47.10, notwithstanding section 8.57,  
 2 19 subsection 6, paragraph "c":  
 2 20 ..... \$ 4,900,880

CODE: Provides an FY 2008 supplemental appropriation from the Rebuild Iowa Infrastructure Fund (RIIF) to the Optical Scan Voting System Fund. This appropriation notwithstanding the definition of Vertical Infrastructure.

2 21 1. If any federal funding is received for the same or  
 2 22 similar purposes authorized in section 47.10, as enacted by  
 2 23 this Act, of the amount appropriated in this section, \$61,000  
 2 24 is allocated for matching such federal funding, and an amount  
 2 25 equal to the federal funding received shall revert from the

Allocates \$61,000 of the Optical Scan Voting System appropriation to be used as State match for any federal funds that may be received for the purchase of optical scan voting systems. Also, requires a reversion to the RIIF in an amount equal to the amount of federal funds received.

2 26 amount appropriated to the rebuild Iowa infrastructure fund at  
 2 27 the end of the fiscal year.

2 28 2. Notwithstanding section 47.9, as of the effective date  
 2 29 of this Act, all remaining moneys in the voting machine  
 2 30 reimbursement fund established in section 47.9 shall be  
 2 31 transferred to the optical scan voting system fund established  
 2 32 in section 47.10. Notwithstanding section 8.33, except as  
 2 33 otherwise provided in subsection 1, the moneys appropriated  
 2 34 and transferred in accordance with this section shall not  
 2 35 revert to the fund from which appropriated or transferred.

CODE: Transfers all funds from the Voting Machine Reimbursement Fund to the Optical Scan Voting System Fund. This provision is effective on enactment.

DETAIL: The Voting Machine Reimbursement Fund received an appropriation of \$2,000,000 from the RIIF for FY 2008 to be used for the purchase of voting machines and equipment that would help counties comply with the State paper trail requirement enacted in SF 369 (Voting Machines Act).

3 1 3. On or before December 31, 2008, the secretary of state  
 3 2 shall submit a report to the chairpersons and ranking members  
 3 3 of the joint appropriations subcommittee on administration and  
 3 4 regulation regarding the expenditures of moneys from the  
 3 5 optical scan voting system fund and distribution of equipment  
 3 6 to counties appropriated in this section.

Requires the Secretary of State to submit a report to the Administration and Regulation Appropriations Subcommittee by December 31, 2008, regarding expenditures and purchase of equipment from the Optical Scan Voting System Fund.

3 7 Sec. 6. 2006 Iowa Acts, chapter 1179, section 5, as  
 3 8 amended by 2007 Iowa Acts, chapter 219, section 22, is amended  
 3 9 to read as follows:  
 3 10 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is  
 3 11 appropriated from the rebuild Iowa infrastructure fund to the  
 3 12 department of administrative services for the designated  
 3 13 fiscal years, the following amounts, or so much thereof as is  
 3 14 necessary, to be used for the purposes designated:  
 3 15 For planning, design, and construction costs associated  
 3 16 with the construction of a new approximately  
 3 17 350,000=gross=square=foot state office building, including  
 3 18 costs associated with furnishings, employee relocation, and  
 3 19 the demolition of the Wallace Building:  
 3 20 FY 2007=2008..... \$ ~~3,600,000~~  
 3 21 0  
 3 22 FY 2008=2009..... \$ 23,300,000

CODE: Deappropriates a \$3,600,000 RIIF appropriation for FY 2008 for the purchase of a new State office building.

3 23 FY 2009=2010..... \$ 12,657,100  
 3 24 Notwithstanding section 8.33, moneys appropriated in this  
 3 25 section shall not revert at the close of the fiscal year for  
 3 26 which they were appropriated but shall remain available for  
 3 27 the purposes designated until the close of the fiscal year  
 3 28 that begins July 1, 2011, or until the project for which the  
 3 29 appropriation was made is completed, whichever is earlier.  
 3 30 The design specifications of the new state office building  
 3 31 shall include, at a minimum, energy efficiency specifications  
 3 32 that exceed state building code requirements and have the  
 3 33 potential for leadership in energy and environmental design  
 3 34 silver certification from the United States green building  
 3 35 council.

4 1 Sec. 7. 2007 Iowa Acts, chapter 219, section 1, subsection  
 4 2 1, paragraph n, is amended to read as follows:  
 4 3 n. For costs associated with a feasibility study  
 4 4 concerning asbestos abatement and related building renovation  
 4 5 work at the Iowa workforce development building located at  
 4 6 1000 E. Grand Avenue in Des Moines, notwithstanding section  
 4 7 8.57, subsection 6, paragraph "c":  
 4 8 ..... \$ 1,000,000  
 4 9 0

CODE: Deappropriates a \$1,000,000 RIIF appropriation for FY 2008 for a feasibility study for improvements to the Workforce Development Building.

4 10 Sec. 8. Section 47.9, Code Supplement 2007, is repealed.

CODE: Repeals the Voting Machine Reimbursement Fund.

DETAIL: Section 5.2 of this Bill transfers the proceeds in this Fund to the Optical Scan Voting System Fund.

4 11 Sec. 9. EMERGENCY RULES. The secretary of state may adopt  
 4 12 emergency rules under section 17A.1, subsection 2, and section  
 4 13 17A.5, subsection 2, paragraph "b", to implement the  
 4 14 provisions of this Act relating to optical scan voting  
 4 15 systems, and the rules shall be effective immediately upon  
 4 16 filing unless a later date is specified in the rules. Any

Permits the Secretary of State to adopt emergency rules relating to the provisions of this Bill.

---

4 17 rules adopted in accordance with this section shall also be  
4 18 published as a notice of intended action as provided in  
4 19 section 17A.4.

4 20 Sec. 10. EFFECTIVE DATE. This Act, being deemed of  
4 21 immediate importance, takes effect upon enactment.

Specifies that this Bill takes effect on enactment.

4 22 SF 2347  
4 23 sc:rj/cc/26



# Transportation, Infrastructure, and Capitals

## Other Funds

	Estimated FY 2008	Supp-Senate Action FY 2008	Estimated Net FY 2008	Page and Line #
	(1)	(2)	(3)	(4)
<b><u>Administrative Services - Capitals</u></b>				
<b><u>Secretary of State</u></b>				
Secretary of State				
Optical Scan Voting System Fund	\$ 0	\$ 4,900,880	\$ 4,900,880	PG 2 LN 11
<b>Total Secretary of State</b>	<b>\$ 0</b>	<b>\$ 4,900,880</b>	<b>\$ 4,900,880</b>	
<b><u>Administrative Services - Capitals</u></b>				
New State Office Bldg-RIIF	3,600,000	-3,600,000	0	PG 3 LN 7
Workforce Bldg Asbestos-RIIF	\$ 1,000,000	\$ -1,000,000	\$ 0	PG 4 LN 1
<b>Total Administrative Services - Capitals</b>	<b>\$ 4,600,000</b>	<b>\$ -4,600,000</b>	<b>\$ 0</b>	
<b>Total Transportation, Infrastructure, and Capitals</b>	<b>\$ 4,600,000</b>	<b>\$ 300,880</b>	<b>\$ 4,900,880</b>	